

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, :
: Plaintiff, :
: :
v. : : Criminal Action No. 07-14-SLR
: :
RAFAEL SANTIAGO, :
: Defendant. :
:

**DEFENDANT'S JOINT UNOPPOSED MOTION TO PERMIT CURRENT DEFENSE
COUNSEL TO WITHDRAW AS COUNSEL AND TO REAPPOINT THE FEDERAL
PUBLIC DEFENDER'S OFFICE FOR THE DISTRICT OF DELAWARE AS COUNSEL**

Edson A. Bostic, Acting Federal Public Defender for the District of Delaware, respectfully requests that the Law Office of John S. Malik be permitted to withdraw as counsel, and that the Federal Public Defender's Office for the District of Delaware be reappointed to represent Defendant, Rafael Santiago. As grounds, it is stated:

1. On January 29, 2007, United States Magistrate Judge Mary Pat Thyng appointed Mr. Bostic to represent Mr. Santiago.
2. On or about February 2, 2007, Mr. Bostic withdrew as counsel, because Mr. Santiago retained John Malik, Esquire as counsel.
3. On or about February 9, 2007, Mr. Malik informed Mr. Bostic that he had a potential conflict of interest and therefore could no longer represent Mr. Santiago.
4. After subsequent conversations, both parties agreed that the Federal Public Defender's Office, provided that the Court permits, would resume Mr. Santiago's representation.
5. Upon information and belief, Jay Whittle, Esquire, an Associate in Mr. Malik's firm, has

since notified the Court of their intent to withdraw as counsel.

6. Mr. Santiago's family subsequently contacted the Federal Public Defender's Office and requested that the Office resume its representation of Mr. Santiago. The family also asked that the Federal Public Defender's Office facilitate Mr. Malik's withdrawal as counsel.

7. On February 26, 2007, Mr. Whittle, on behalf of Mr. Malik, and Mr. Bostic agreed that the Federal Public Defender's Office would file the instant motion.

8. Douglas E. McCann, Assistant United States Attorney, Counsel for the government is aware of the instant motion and does not oppose the relief sought.

WHEREFORE, it is respectfully requested that the Law Office of John S. Malik be allowed to withdraw as counsel, and that the Federal Public Defender's Office for the District of Delaware be reappointed to represent Mr. Santiago.

Respectfully submitted,

/s/
EDSON A. BOSTIC
Acting Federal Public Defender
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DATED: February 28, 2007

CERTIFICATE OF SERVICE

Undersigned counsel certifies that a copy of Defendant's Joint Motion To Permit Current Defense Counsel To Withdraw As Counsel And To Reappoint The Federal Public Defender's Office For the District of Delaware As Counsel is available for public viewing and downloading and was electronically delivered as well as via facsimile on February 28, 2007, to:

Douglas E. McCann, Esquire
United States Attorney's Office
1007 Orange Street, Suite 700
Wilmington, DE 19801

John S. Malik
John S. Malik, Esquire
100 East 14th Street
Wilmington, DE 19801

/s/

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O R D E R

AND NOW, this _____ day of _____, 2007, upon consideration of Defendant's Joint Unopposed Motion to Permit Current Defense Counsel to Withdraw As Counsel and to Reappoint The Federal Public Defender's Office for the District of Delaware as Counsel, it is hereby **ORDERED** that the Law Office of John S. Malik will be allowed to withdraw as counsel, and that the Federal Public Defender's Office for the District of Delaware will be reappointed to represent Defendant, Rafael Santiago.

BY THE COURT:

The Honorable Sue L. Robinson
United States District Court